

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

This Document Relates to Plaintiff
Willard Taggart, 2:17-cv-04216

No. MD-15-02641-PHX-DGC
**FIRST AMENDED
SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Willard J. Taggart

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

Kim A. Taggart

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

New York

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

New York

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

New York

7. District Court and Division in which venue would be proper absent direct filing:

Southern District of New York

8. Defendants (check Defendants against whom Complaint is made):

 C.R. Bard Inc.

 Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

✓ Diversity of Citizenship

Other: _____

Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

Recovery® Vena Cava Filter

 G2® Vena Cava Filter

1 G2® Express (G2®X) Vena Cava Filter
2 Eclipse® Vena Cava Filter
3 Meridian® Vena Cava Filter
4 Denali® Vena Cava Filter
5 Other: _____

6 11. Date of Implantation as to each product:

7 October 13, 2009
8 _____

9 12. Counts in the Master Complaint brought by Plaintiff(s):

10 Count I: Strict Products Liability – Manufacturing Defect
11 Count II: Strict Products Liability – Information Defect (Failure to
12 Warn)
13 Count III: Strict Products Liability – Design Defect
14 Count IV: Negligence - Design
15 Count V: Negligence - Manufacture
16 Count VI: Negligence – Failure to Recall/Retrofit
17 Count VII: Negligence – Failure to Warn
18 Count VIII: Negligent Misrepresentation
19 Count IX: Negligence *Per Se*
20 Count X: Breach of Express Warranty
21 Count XI: Breach of Implied Warranty
22 Count XII: Fraudulent Misrepresentation

Count XIII: Fraudulent Concealment

Count XIV: Violations of Applicable New York (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

Count XV: Loss of Consortium

Count XVI: Wrongful Death

Count XVII: Survival

Punitive Damages

Other(s): _____ (please state the facts supporting this Count in the space immediately below)

1 RESPECTFULLY SUBMITTED this 8th day of March 2018.
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5 **FLINT LAW FIRM, LLC**

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7 By: /s/ Jacob A. Flint

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9 Brian S. Katz, KY Bar No. 86633
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